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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,982	05/03/2001	Ted E. Dunning	22227-05479	8782
758	7590	12/24/2003	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			WONG, LESLIE	
			ART UNIT	PAPER NUMBER
			2177	
DATE MAILED: 12/24/2003				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/848,982	DUNNING ET AL.
	Examiner Leslie Wong	Art Unit 2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

#### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 07 November 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 November 2003 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Damashek** (U.S. Patent 5,418,951) in view of **Haimowitz et al.** (U.S. Patent 5,960,430).

Regarding claims 1, 12, 23, and 34, **Damashek** teaches a computer-implemented method of text equivalencing from a string of characters 3 comprising:

- a). modifying the string of characters using a predetermined set of heuristics (col. 4, line 64 – col. 5, line 5; col. 8, line 64 col. 9, line 2);
  - c). responsive to not finding an exact match, forming a plurality of sub-strings of characters from the string of characters (col. 3, lines 21-24; col. 4, lines 24-27); and
  - d). using an information retrieval technique on the sub-strings of characters to determine a known string of characters equivalent to the string of characters (col. 3, lines 22-31 and col. 4, lines 10-60).
- b). comparing the modified string with a known string of characters in order to locate a match (col. 4, lines 10-60);

**Damashek** does not explicitly teach a step of performing a character-by-character comparison of the strings.

**Haimowitz et al.**, however, teaches a step of performing a character-by-character comparison of the strings (col. 5, line 66 – col. 6, line 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to perform a character-by-character comparison of the strings

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before forming n-grams decompositions of the strings in response to no match because this would expedite the process of finding a matched string.

Regarding claims 2, 13, 24, and 35, **Damashek** further teaches a step wherein the information retrieval technique further comprises:

- a). weighting the sub-strings (col. 5, lines 31);
- b). scoring the known string of characters (col. 8, lines 51-56); and
- c). retrieving information associated with the known string of characters with the highest score (col. 9, lines 64-66).

Regarding claims 3, 14, and 25, **Damashek** further teaches a step comprising, responsive to the highest score being greater than a first threshold, automatically accepting the known string of characters as an exact match (col. 8, lines 51-63).

Regarding claims 4, 15, and 26, **Damashek** further teaches a step comprising, responsive to the highest score being less than a second threshold and greater than a first threshold, presenting the known string of characters to a user for manual confirmation (col. 9, lines 12-14; col. 10. 45-49).

Regarding claims 5, 16, and 27, **Damashek** further teaches a step comprising, responsive to the highest score being less than a second threshold and greater than a

third threshold, presenting the known string of characters to a user to select the equivalent string of characters (col. 9, lines 12-14; col. 10, 45-49).

Regarding claims 6, 17, and 28, **Damashek** further teaches a step wherein the sub-strings of characters are 3-grams (col. 3, lines 21-24; col. 4, lines 24-27).

Regarding claims 7, 18, and 29, **Damashek** further teaches a step wherein the string of characters is selected from the group consisting of a song title, a song artist, an album name, a book title, an author's name, a book publisher, a genetic sequence, and a computer program (col. 9, lines 35-37).

Regarding claims 8, 19, and 30, **Damashek** further teaches a step wherein the predetermined set of heuristics comprises removing whitespace from the string of characters (col. 4, line 64 – col. 5, line 5).

Regarding claims 9, 20, and 31, **Damashek** further teaches a step wherein the predetermined set of heuristics comprises removing a portion of the string of characters (col. 8, line 64 – col. 9, line 10).

Regarding claims 10, 21, and 32, **Damashek** further teaches a step wherein the predetermined set of heuristics comprises replacing a symbol in the string of characters with an alternate representation for the symbol (col. 4, line 64 – col. 5, line 5).

Regarding claims 11, 22, and 33, **Damashek** further teaches a step wherein storing an indication (i.e., similarity score) that the string of characters is the equivalent of the known string of characters (col. 8, lines 51-56).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Archer et al.** (US 2002/0035561 A1)

**Simcoe** (U.S. Patent 6,000,008)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

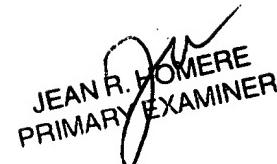
Application/Control Number: 09/848,982  
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Leslie Wong  
Patent Examiner  
Art Unit 2177

lw  
December 5, 2003



JEAN R. HOMERE  
PRIMARY EXAMINER